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TAGS: PHUM PGOV PINS VE  
SUBJECT: HUMAN RIGHTS VIOLATIONS CLOSE-UP: DETENTIONS

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (B)  
) AND (D)

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SUMMARY  
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11. (U) The GOV has detained hundreds of individuals since February 27 on charges ranging from "violent behavior" to civil rebellion. The detentions share certain characteristics, including little concern with the detainee's relation to the alleged charges, beatings and torture while in National Guard (GN) custody, denial of medical attention, denial of due process, and forcing detainees to sign statements absolving the GN of allegations of mistreatment, all of which violate rights guaranteed in the Venezuelan Constitution. In spite of the number of violations confirmed by human rights NGOs, the GOV maintains that it has not committed human rights violations. Examples of specific violations are at paragraph 9. End Summary.

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Article 44: Personal Freedom is inviolable.  
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12. (C) According to statistics from the Democratic Coordinator (CD), security forces detained nationwide 410 people associated with the opposition during the February 27-March 5 period. Of those 410, approximately 195 were still being held as of March 17, according to composite lists drawn from the CD, the media, and NGOs. According to the human rights NGO PROVEA, many of the detentions share certain characteristics, including little concern with the detainee's relation to the alleged charges, beatings and torture while in National Guard (GN) custody, denial of medical attention, denial of due process, and forcing detainees to sign statements absolving the GN of allegations of mistreatment, all of which violate rights guaranteed in the Venezuelan Constitution. (Note: We believe that PROVEA, which initially supported the Chavez Government but which over time has distanced itself from the GOV, has shown itself to be an independent minded, principled organization. Like other serious human rights groups, it laboriously documents cases through interviews, collection of any physical evidence, and cross-checking data with other human rights NGOs. It also assists victims in filing an official complaint of the alleged abuse.)

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The Real Charge? Presumed Opposition to Chavez  
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13. (U) A variety of sources, including NGOs, the media, and anecdotal accounts circulating via internet, suggest that the link between the detainee and the charge on which the detention is based is usually tenuous at best. Detainees have been demonstrators, spectators, and individuals unrelated to any opposition event. Opposition sources admit that some demonstrators are armed, but NGO records show no general trend of arresting demonstrators for illegal use of a weapon. According to PROVEA, charges range from engaging in violent behavior to civil rebellion, and some detainees have been held and released without charges.

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Article 46: Entitlement to respect for physical, mental, and moral integrity.  
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14. (U) In a majority of detentions, Venezuelan authorities, principally the GN, allegedly beat and tortured persons in custody. While human rights NGOs are documenting the alleged abuses, PROVEA has confirmed 103 cases of torture and/or use of excessive force as of March 12. Specific alleged actions include punching, kicking, beating with helmets and weapons, electric shock torture, burning, forced inhalation of tear gas, humiliation, and death threats. On March 17, the Forum for Life, an umbrella group for human rights NGOs, publicly condemned alleged abuses by the security forces, and strongly

criticized President Chavez for praising the work of the GN. Congratulating such behavior while failing to denounce human rights violations, the group said, will only increase future violations and cement the GOV's culpability for them. Human

rights organizations also note that in addition to allegations of torture and mistreatment, injured detainees were at times denied medical attention.

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Article 49: Right to due process.  
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15. (U) Detainees and their representatives have consistently accused the GOV of failing to ensure that due process rights are observed. They allege that the authorities do not ensure the right to notify others of the detention, nor the right to legal counsel. They also charge that special protections for minors were disregarded in some cases. Authorities also frequently demanded that detainees sign statements absolving the GN of allegations of mistreatment. By doing so, the detainee cedes his right to a fair hearing of his case. According to PROVEA, this occurred at the time of release and even as the detention continues.

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Violations? What Violations?  
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16. (U) Despite NGO documentation of serious human rights abuses since February 27, Vice President Rangel asserted that "there are no human rights violations, there are no disappearances, no torture cases," during a March 16 press conference. Rangel recognized only nine deaths in political disturbances (the opposition claims 14) and insisted that none of the nine died at the hands of the National Guard. (Note: VP Rangel may be correct about Guard involvement. The fact is, however, that military and political police (DISIP) forces, as well as armed civilians loyal to President Chavez, confronted demonstrators.) He also maintained that no one had made an official complaint regarding any of the detentions.

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Oh, THOSE Violations  
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17. (U) Attorney General Isaias Rodriguez announced the opening of 11 abuse complaint investigations (nine in Caracas, two in Zulia State) March 9 and denied accusations that his office was not addressing the complaints seriously. He said that some alleged victims had not yet formulated and filed their complaints.

18. (C) Diego Urdaneta told poloff March 17 that he filed an abuse complaint with the Attorney General's Office March 4, alleging that he was beaten by the National Guard. During the process, he made an official statement and reported to the state police (CICPC) forensics specialist for a medical examination. The physician examined him and took notes but did not photograph his injuries nor ask what caused them. The employee who took Urdaneta's statement urged him to admit uncertainty about the identity of his attackers, even though he had seen clearly the GN logo on their vehicle and uniforms. Urdaneta's case was assigned to prosecutor Gilberto Venere. Venere's secretary told Urdaneta that his complaint was the 12th received so far, but that no further complaints were to be accepted. A few days later, the secretary told Urdaneta that some prosecutors had been fired

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because they had accepted complaints after the cut-off date.

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Examples of Alleged Violations  
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19. (U) Carlos Eduardo Izcaray, cellist and conductor with the Venezuela Symphony Orchestra, was arrested March 1 while observing demonstrations in the Altamira neighborhood of Caracas. Izcaray said the GN beat and tortured him with electricity, then threatened to kill him.

- Reverend Dorindo Burgo was swept up with other demonstrators in Altamira February 29, even though his most provocative behavior appears to have been reading from the constitution to the National Guard. He was beaten, then asked to sign a statement absolving the GN of responsibility for beating him as the condition for his release. Burgo

claims he initially refused to sign, then changed his mind due to the "lack of value for signatures" in Venezuela.

- David Rubio, an opposition spokesperson, was intercepted by state police in San Cristobal, Tachira State the evening of

February 29 while driving home with companions. He was kept incommunicado throughout the night. He was permitted to contact his lawyers the next morning, but authorities did not inform the lawyers of the charges against him until the following day. He is charged with civil rebellion and obstructing a public thoroughfare, though he was uninvolved in any opposition event at the time of his detention.

- Diego Urdaneta, son of a US citizen, told police that on March 1, the GN kicked and beat him with batons and other weapons and also threatened to kill him, then let him go.

- Pedro Martin claims the GN shot him with a plastic bullet February 27, then waited four hours before sending him to a hospital.

- National Guardsmen in Carabobo State shot demonstrator Pedro Jose Sanchez March 4, then took him to the local GN headquarters, rather than to a hospital. Sanchez died from lack of medical attention.

- Alejandro Valera was beaten and shot by the GN on February 27, then placed in a "cage" for four hours.

- On March 1, 17 demonstrators were detained in Yaracuy State, including five minors. The state children's rights officer filed a negligence complaint against the case prosecutor for failing to order medical exams for the minors who were allegedly tortured by the GN.

- In Zulia State, demonstrator Pedro Rodriguez was detained and beaten by the GN, then required to sign a statement that negated the beating.

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COMMENT  
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19. (C) Brutality at the hands of the National Guard and other security forces is not new in Venezuela. The Chavez Government will likely continue playing down the alleged abuses, even while claiming to be the most democratic regime in Venezuelan history. Human rights organizations, however, are keeping track. Probably one of the most difficult tasks they face -- beyond even getting the government to acknowledge the cases -- is helping the victims document their cases. They are making some headway, but impediments such as the limitations placed by the Attorney General's Office will continue to make things difficult.  
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